IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NOs : 21237 & 22290 of 2004

Between:

Sri G. Lingaiah, S/o. Sri G. Pedda Saidulu,
Occ: Dealer of F.P.Shop, Thettekunta village, Anumula Mandal, Nalgonda District.

.... PETITIONER

in both the writ petitions

AND

1 The Joint Collector (CS), Nalgonda District.
2 The Revenue Divisional Officer, Miryalaguda.

...RESPONDENTS **in both the writ petitions**

W.P.No.21237 of 2004: -

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus set-aside the suspension order of the respondent Proc.No.E2/3121/04 dt. 09.2004 which was issued against the principles of natural justice and direct the R2 to issue the E.C's to the petitioner as usual consider his explanation filed by the petitioner.

W.P.No.22290 of 2004:-

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ

of Mandamus, set aside the notification No.E2/1883/2004 dt. -11-2004 for appointment of F.P.Shop dealer at Thettekunta Village in the place of the petitioner pending case against the Principles of natural justice and direct the R2 to issue the E.C.'s to the petitioner and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.BOLLAM LINGAIAH YADAV

(in both the writ petitions)

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

(in both the writ petitions)

The Court at the admission stage, made the following :

COMMON ORDER: -

These two writ petitions are filed by the fair price shop dealer of Thettekunta village, Anumula Mandal, Nalgonda District. W.P.No.21237 of 2004 is filed aggrieved by the orders of suspension of dealership. W.P.No.22290 of 2004 is filed challenging the Notification inviting applications for filling up of vacancies.

2. Heard learned counsel for the petitioner and learned counsel for the respondents.

3. At the outset, this Court takes serious exception to the way of functioning of the second respondent, namely the R.D.O., Miryalguda. Neither the order of suspension nor the show cause notice contain any date, and only the month is indicated in them. Similarly, the notification for selection of fair price shop dealers, does not contain the date and the month November is indicated. It only tells upon the inefficiency or

indifference on the part of the second respondent. The dates of order assume significance from many angles. It is made clear that if such instances are noticed in future, this Court does not hesitate to give a declaration that the concerned officer is unfit to hold such an important post.

4. In W.P.No.21237 of 2004 the grievance of the petitioner is against the order of suspension. He has been pursuing his remedies before the Joint Collector as well as this Court, on the impression that his dealership is yet to be cancelled. Learned Government Pleader for Civil Supplies, on instructions, submits that the R.D.O passed the order on 18.11.2004 cancelling the dealership. Once an order of cancellation is passed, the order of suspension merges in it. Therefore, this petition has become infructuous. It shall be open to the petitioner to work out his remedies against the order of cancellation.

5. The notification for selection of fair price shop dealer does not contain any date. It is not known whether it was issued before or after the cancellation of the dealership of the petitioner. Be that as it may, no steps to appoint a dealer on permanent basis can be taken at least till the period for presentation of appeal expires. Hence the notification is set aside leaving it open to the R.D.O., to issue fresh notification after expiry of one month from today, depending upon the orders, if any, that may be passed by the appellate authority.

6. The writ petitions are accordingly disposed of. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated: 7th December, 2004

Note: - Issue C.C in 2 days

(B/o)

RAR

To

1 The Joint Collector (CS), Nalgonda District.
2 The Revenue Divisional Officer, Miryalaguda.

3 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

4 2 CD copies